G. R. S. 58]

Previous references.

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9-89
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Later references.

Police
298-02
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5-34 (1-30)

1902-03

(Police)

(28)

File No. 297 of 03

Serial Nos. 1-5

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-5

Major ~~Part~~ B for June '03

SUBJECT.

Liability of the Mysore Govt to pay 3/
of the cost of Watch & Ward Establishment
employed on the Railway lines over wh
jurisdiction has been ceded to the British

9594 971 of 25-2-03 From the Ist Asstt [illegible]
in Mysore.

Communicates the orders passed [illegible]
of India on the subject of the adjustment [illegible]
8/10th Cost of the Police and Chowkidars
on the lines over which jurisdiction [illegible]
ceded to the British Govt by the Durbar

J 1516 of 26-3-'03 To the 1st Asstt to the Resident in Mysore.

Forwards for favour of adjustment a Statement Shewing the amounts paid by the Darbar on account of the 3/10ths cost of the police Force maintained on the Ry. lines since the date of the Cession of jurisdiction up to the end of March 1898 & requests that the refund of the amounts shown in the Statement appended may be kindly procured.

J 1517 of 26-3-'03 To the Comptroller.

Forwards Copy of the above, with the observation that the Govt. of India whilst maintaining the liability of the State for a share of the cost of the Ry police on the lines jurisdiction over which has been ceded to the British Govt have agreed that the charge in question should be debited to the revenues of the Assigned Tract.

'3207 2313 of 6-6-'03 From the Comptr.

Forwards Copy of letter no. 328 Bang/2143 of 29-5-'03 re: the adjustment of Rs 17,827-1 to the credit of the Mysore Govt.

'3344 2609 of 8-6-'03 From the 1st Asstt to the Resident in Mysore.

Forwards Copy of letter no. T28 Bang/214 of 29-5-'03 from the Accountant General, Madr stating that the sum of Rs 17,827-15-6, in questi has been adjusted to the credit of the Mysore Go

Indexed
S.C.Job.

OFFICE OF THE DEWAN OF MYSORE,
(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

1. Statement of case in narrative, in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

Liability of the Mysore Govt. to pay a share of the Cost of Police Force employed on the railway lines over which jurisdiction has been ceded to the British Government.

Note.

The jurisdiction on all the lands occupied by the following lines of Railway in the State was ceded to the British Government in March 1896:—

1. Bangalore-Harihar Section.
2. Yeswantpur-Hindupur "
3. Kolar Gold Fields branch.

As regards the apportionment of the poli and other incidental charges on the said ines, the First Asstt to the Resident intimated that, the Govt of India had ordered that $\frac{7}{10}$ths of the Cost should be

the remaining $\frac{[illegible]}{10}$ths shown in
Durbar. The late Dewan in his latter observed
te Resident dated 13th March 1896, that
gh the apportionment of Police charges
veen the Railway administration and
Government was in accordance with
existing practice, yet the Govt share of
charges, viz $\frac{3}{10}$ths, should be debited —
l to the Durbar — but to the British Govt
- whenever plenary jurisdiction was cede
the British Government, the funds requi
the exercise of such jurisdiction was neve
vided by the Ceding State nor did para l
the Instrument of Transfer lay down a
ferent principle in the case of Railway ju
ction. Thereupon the Resident explained
sons for the decision ~~of the Gov~~ arrived
the Govt of India and argued that th
urbar's request for the examption from pa
nent of their share of Police charges [illegible]
easonable and hoped that the matter wo
ot be pressed. Subsequently he sent f
for Rs 1532-10-

Police employed on the
the other for Rs 2428-5-2 being $\frac{3}{10}$ ths o
the cost of Police establishment from 1st March
to 30th June 1896. The Dewan again a
-gued against the liability of the State t
bear the charges in question and requested
permission to defer the payment of the ab
sum until the final decision of the Govt
of India in the matter was obtained. In reply the
Resident stated that the delay which ha
already occurred in settling the matter cau
some inconvenience owing to non-recovery of certa
advances made by him, and suggested th
the amount might be paid, subject to t
right to claim a refund in the improba
contingency of the present protest being u
-held. The amount was accordingly pa
and, at the same time the ~~Dewan~~ requested the Resident to
allow him the option to submit for th
orders of the Government of India the que
of the liability of the Durbar to t
d charge [illegible] after the final

Surplus Revenues of the C. & M. Station

Bangalore, to which the First Assistant

the Resident intimated that there was

objection to the submission of any

the representation in the matter by the

bar. Since then bills were received

to 31st March 1898 and they were all

d. The total amount paid up to date

Rs 17827-15-6, as shown below:—

	Rs.	A.	P.
Durbar's share for clothing supplied to the Police —	1532	10	4
Do — of Police Establishment from March to 30th June 1896	2428	5	2
Do — do — for the quarter ending 30th Septr 1896	1981	"	"
Do — 31st Decr 1896	1981	"	"
Do — 31st March 1897	1981	"	"
Do — 30th June 1897	1981	"	"
Do — 30th September 1897	1981	"	"
Do — 31st December 1897	1981	"	"
Do — 31st March 1898	1981	"	"
Total - Rupees	17827	15	6

late Dewan, the present Resident intimate
that "the Govt of India whilst maintainin
the liability of Mysore for a share of the cost
of the Railway Police on the lines, jurisdicti
of which has been ceded to the British Gov
have agreed that the charge in question sh
be debited to the Revenues of the assigned
Tract," and "that the S. M. Ry Company is
entitled to recover from the Durbar 3/10 th
of the cost of chowkidars", which "will also
debited to C + M Station Revenues;" and
~~stated~~ added that an official letter would foll
as soon as he could ascertain the cost of
chowkidars &c. No official communica
having been received up till 17th June
1899, the Dewan remarked as follows:

"Have we been paying any cost an
hy! Let me know how much has
een paid hitherto? We must get a
fund of what we have already pai
lease don't make any more payment
Let me know how the account stan
Then I would remind the Resident al

promised official Communication

(Intd) K. S.
17-1-99.

ecretary's Reply

This (Rs17827-15-6) is the mount the refund of which we have to laim.

The date of the last payment made no is 18-5-98. The Resident's D.O com-municating the decision of the Government India is dated 28-6-98. Since then no mands have been received nor payment ade. Nor has the official letter promised ~~the Resident~~ Col: Robertson been received

The Dewan's order that no further pay-ments should be made has been noted

(Intd) C. S.
21-1-99.

o action has been taken in this atter till now, nor has the official tter referred to been received. A raft letter to the First Asstt to the Resident

The Office brought the point alread[illegible] in notice (of 14.11.9[illegible] on top of the file) [illegible] the file [illegible] in [illegible] into a [illegible] [illegible]

reminding him of the above communicati
is submitted for approval or orders.

SN
16-1-03

17.1.03

Subd. to the Dewan

Bills for $\frac{3}{10}$ths of the Police charges are not being received from March 189 This may be due to payments being made from the Revenues of the Assigned Tract as stated in the Hon'ble the Resident's D/O dated 28 June 1898. The promised official comm. from the Residency will set the question at rest.

The sum of Rs. 17000 odd paid by Mysore up to 31st March 1898 has to be recovered from the C & M Station Revenues. ~~subsequent~~

A draft to the Residency inviting attention to the previous correspondence is subd for approva

25/1/03

25-1-03

R2
30.1.03
8098.

29/1/03

The draft was approved and issued. The First Assistant to the Resident, has, as des

ommunicated the decision of the Government of
ndia passed in the matter. They hold that
e maintenance of law and order is the duty
f the State concerned whether a railway runs
rough its territories or not, that the cession
f jurisdiction is an arrangement made to facilitate
dministration but does not affect the question
f the obligation of the State to provide the
xpenses of keeping order and that the willing-
ness of Native States to meet these charges
was anticipated in the belief that they
onsidered the advantage to their territories
y the existence of a railway would far
utweigh the extra burden of keeping order
in the land through which it ran.
Though this view is not accepted by the
Durbar, the Govt of India have no ob-
jection to accede to their wishes so far
as to enter these payments as ~~a charge~~ also

the three-tenths of the cost of Chowkidari Establishment which the S. M. Ry Company are entitled to recover, as charges against the revenues of the Assigned Tract. .

The First Assistant to the Resident adds that the account is being adjusted in accordance with the above orders.

The question now for determination is whether under the above orders of the Govt of India we are entitled to recover the sums paid by us on this account since the date of the cession of jurisdiction up to the end of March 1898. We of course objected to the payment of these charges from the commencement and requested permission to defer the payment until the decision of the British Government is known. But the Residents suggested that the amounts might be paid at once, "subject to (our) right to claim a refund in the improbable contingency of (our) present protest being

pheld". (vide para 10 of F.A. Resident's letter
o. 46 dated 22nd January 1897). In his No
ted 17th January 1899, the late Dewan
as remarked that "we must get a
fund of what we have already paid

Submitted with a draft letter to the
A. Resident claiming the refund of the
mount.

N Submitted

Any how a letter to the First Asst Resident claiming the refund may be addressed, and his reply awaited. A draft letter accordingly put up.

19/3/63.

• There is an appeal to the sense of the State for carrying out its 'obligations' about law & order. If the British Govt had offered to defray these expenses out of their own proper revenues, perhaps this argument should have determined us to take up the obligation

as the British Govt are
merely exercising vicario
jurisdiction in our behal
But as the payment i
to come from the revenue
of the assigned tract,
I do not think we need
feel any moral compun
tion in making this
claim for arrears also
The draft is submitte
for approval.

21/3/3

The Dewan

9208 / 21. 3. 03 The draft was approved by the Dew
was issued.

In reply, the First Assistant
Resident in Mysore forwards a co

en adjusted in the books of Office

March 1903, Final, to the credit of

Mysore Government and that this

ount will be deducted from the

mand due from ~~that Government~~ us

March 1903 Final. The Accountant

ent seems to have ~~a~~ forwarded

opy of the above letter to the Comptroller

information &c.

The amount having been paid,

further action is necessary.

bd for ~~orders~~ perusal.

16/6/03

16.6.03

File

17/6/03

/6/03.

Mysore Govt. Sectt
~~Office of the Dewan of Mysore.~~

File No. (if any) 53 of 1902 03
Sec. F

Directions.

No., date and purport of receipts to be entered in red, and office note in black ink in order of dates.—To be written only on one side, and inside the line of margin.

Office Note.

Branch. — Judicial

Subject — Liability of the Mysore Go
to pay $\frac{3}{10}$ ths share of the Cost of Wate
and Ward Establishment entertained by
Southern Mahratta Railway Company on
the Mysore State Railway Lines.

On the representation of the Mysore G
regarding their claim to ~~recovery~~ recove
from the Southern Mahratta Railway Com
pany $\frac{1}{10}$ ths cost of the Police Force employ
by the State on the Mysore Railway lin
the Government of India decided that th
Durbar should receive, as an equitable ar
ment, $\frac{1}{10}$ ths of the cost of Police Force
aw and order actually employed on the
ailway from 12th August 1889, and that t
ompany on the other hand should be
allowed a refund of $\frac{3}{10}$ ths of the cost o
all chowkidars entertained by them fo
the purposes of Watch and Ward from
sa

* S. No. 1 (Flag A)

SECTION Police
FILE No. 297 of 02
SERIAL No. 1

9594

8720

No. 971

Recd 26/2/03

FROM

R. C. H. MOSS. KING, Esq., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 25 February 1903.

SIR,

I am directed to acknowledge the receipt of Mr. Nanjundayya's letter, No.[illegible].1217, dated the 12[illegible] January 1903, on the subject of the adjustment of the three-tenths cost of the Police and Chowkidars employed on the lines over which jurisdiction has been ceded to the British Government by the Darbar.

2. In the correspondence ending with the late Sir K. Sheshadri Iyer's letter, No.46[illegible], dated [illegible] March 1897, the Darbar took objection to the State being made liable to pay three-tenths of the police charges on the ground that no stipulation to that effect was made when jurisdiction was ceded to the British Government, and asked that the question might be referred for the decision of

the Government of India. The matter was accordingly submitted to the Government of India and I am to communicate the orders passed by them in the matter.

3. The maintenance of law and order is a duty of the State concerned whether a railway runs through its territories or not and the cession of jurisdiction is an arrangement made to facilitate administration, and does not affect the question of the obligation of the State to provide the expenses of keeping order within its territories. The willingness of Native States to [illegible] these charges was anticipated in the belief that they considered the advantage to their territories by the existence of a railway would far outweigh the extra burden of keeping order in the land through which it ran. This view is apparently not accepted by the Darbar, who are however prepared to treat the lines as forming part of the Assigned Tract of the Civil and Military Station. This is really not the case, but the Government of India have no objection to accede to their wishes so far as to enter these payments as a charge against the revenues of the Assigned Tract.

4.

entitled to

Chowkidari establishment entertained by them [illegible] poses of "Watch and Ward" as defined in the Government of India, Public Works Department, resolution No.1975 ., dated the 27th April 1897, of which a copy is enclosed. Government of India have ordered that such repayments should be made from the revenues of the Assigned Tract.

5. I am to add that the account is being adjusted in accordance with the orders mentioned in the preceding two paragraphs.

I have the honour to be,

Sir,

Your most obedient servant,

First Assistant Resident.

36

SECTION Police
FILE NO. 27770/4
SERIAL NO. 2

To

The F. A. Resident in
Mysore.

No. J. 1576 Gl. 1
Date: 26/3/03

Sir,

In acknowledging the receipt of your letter No. 971 dated the 25th February 1903, Communicating the decision of the Govt. of India in the matter of the liability of the Durbar to pay three-tenths share of the cost of the Police Force and of the Chowkidari Establishment employed on the Railway lines, jurisdiction over ner which has been ceded to te British Government ^ irected to forward herewith for favour of adjustment a tatement shewing the amounts aid by the Durbar on account f the three-tenths cost of the Police Force maintained on the railway lines* noted in the margin since the date of the cession of jurisdiction up o the end of March 1898.

* 1. Bangalore-Harihar Section.
2. Yeswantpur-Hindupur " "
3. Kolar Gold Fields branch.

2. In their letter No. 37/D* ated the 19th December 1896, the Durbar requested permission to defer the payment of these charges until ~~the final decision of the British vernment on~~ the question of

* Flag A

was finally decided
by the Br. Govt,
Flag B..

6 the State's Liability, but the Hon'ble the Resident suggested that as the delay which had already occurred in settling the matter had caused some inconvenience owing to non-recovery of certain advances ~~paid~~ made by him, the charges in question might be paid ~~under protest~~ subject to the right to claim a refund in the case of the Durbar's protest being upheld. Accordingly the charges in question were being paid under protest up to the 31st ~~December~~ March 1898 so as to prevent any inconvenience to the British Government in ~~settling~~ the adjustment of the accounts.

Under

~~Under~~ In these circumstances, I ~~have~~ am
~~the Durbar are of opinion that~~ to request
~~they have a right to claim~~ that
the refund of the amounts
hown in the statement ap-
pended ~~and I am to request~~ may be
~~therefore the favour of early~~ kindly pro-
cured.
rders ~~being passed in the~~
matter.

I have etc

19/8/03

Secretary.

SECTION Police
FILE No. 24790V
SERIAL No. 3

SN J 1577/Ed.1 26/3/03.

Copy of the above together with
copy of the statement referred to
forwarded to the Comptroller,
ysore Govt., for information in
ntinuation of the correspondence

ending with Govt. Proceedings No. 15172/J 1550 dated the 19th May 1898 and with the observation that the Govt. of India whilst maintaining the liability of the State for a share of the cost of the Railway Police on the lines jurisdiction over which has been ceded to the British Government have agreed that the charge in question should be debited to the Revenues of the Assigned Tract.

By order

~~24/3/03~~

Secretary

21.III.03

19/3/03

22/3

SN 19-3-03

Recd. 23/3/03

Statement shewing the amounts paid by the Durbar towards the cost of the Police Force employed on the Railway lines in the State jurisdiction over which was ceded to the British Government.

	Particulars.	Amount Rs. As. P	Date of order of payment	Remarks.
1.	$\frac{3}{10}$ths cost of the clothing supplied to the Police	1532 - 10 - 4	9th March 1897.	These have to be refunded to the Durbar, in accordance with the decision of Govt. of India that these charges should be paid out of the Revenues of the Assigned Tract.
2.	$\frac{3}{10}$ths cost of the Police Force employed on the lines from March 1896 up to 30th June 1896	2428 - 5 - 2		
3.	Do for the quarter ending 30th Sept: 1896	1981 - 0 - 0		
4.	Do do 30th Decr. 1896	1981 - 0 - 0	18th March 1897	
5.	Do do 31st Mar: 1897	1981 - 0 - 0	28th July 1897	
6.	do do 30th June 1897	1981 - 0 - 0	11th Sept: 1897	
7.	do do 30th Septr 1897	1981 - 0 - 0	26th Nov: 1897	
8.	do do 31st Dec: 1897	1981 - 0 - 0	26th Feb: 1898	
9.	do do 31st March 1898	1981 - 0 - 0	19th May 1898	
	Total Rs	17827 - 15 - 6		

21. III

19/3/03 Secretary

SN
19-3-03

Office of the Accountant General,
No.328Bang./2143
Madras Dated 29th May 1903.

37

From

C. E. Crawley, Esq.,
Offg: Accountant General.

To

The First Assistant to the
Hon'ble the Resident in Mysore,
Bangalore.

Sir,

In reply to your letter No.1646 dated 1st April 1903, I have the honor to inform you that the sum of Rs.17,827-15-6 in question has been adjusted in the books of this office for March 1903 Final, to the credit of the Mysore Government, and this amount will be deducted from the demand due from that Government for March 1903 Final.

I have &c.,
(Signed) W.S. Adie,
Dy: Accountant-General.

T.29Bang/2144

3427

Copy forwarded to the Comptroller of Mysore, Bangalo for information in continuation of this office letter No.T.131 an 884, dated 27th April 1903.

W. S. Adie
(Signed) Dy: Accountant-General.

OFFICE OF THE DEWAN OF MYSORE
No. 13207
9 - JUN. 1903
12596

[illegible] of 6-6-03.

Copy forwarded to the Secretary to Government of Mysore, Revenue and General Departments with reference to his Endorsement No. 15177/EA of 26-3-03.

SECTION—Office
FILE NO. 297 of 02
SERIAL No. 4

9.6.03

For Comptroller.

13344.
J 2590

10714
9.6.03

Copy of letter No.T.28 Bang/2143 dated the 29th May 1903, from the Accountant General Madras, Treasury Account Department, to the First Assistant to the Resident in Mysore.

(35)

In reply to your letter No.1646 dated 1st April 1903, I have the honour to inform you that the sum of Rs17827-15-6, in question has been adjusted in the books of this office ~~to~~ for March 1903, Final, to the credit of the Mysore Government, ~~a~~ and this amount will be deducted from the demand due from that Government for March 1903 Final.

No. 2609

The Resident's Office,
Dated, Bangalore, the 8 June, 1903.

Copy of the foregoing letter is forwarded to the Dewan of Mysore with reference to Mr.Nanjundayya's letter No J.1516 dated the 26th March 1903.

SECTION Police
FILE No. 29 of 02
SERIAL No. 5

First Assistant Residen
RK